

Michelle Lamb - 4/27/2022

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF TEXAS  
2 HOUSTON DIVISION

3 JENNIFER HARRIS, \*  
\*  
4 Plaintiff, \* CIVIL ACTION  
\*  
5 vs. \* 4:21-cv-1651

6 FEDEX CORPORATE SERVICES,  
INC.

Defendant.

16 ORAL AND VIDEOTAPED DEPOSITION OF MICHELLE  
17 LAMB, produced as a witness at the instance of the  
18 Plaintiff, and duly sworn, was taken in the above-styled  
19 and -numbered cause on the 27th day of April, 2022, from  
20 8:29 a.m. to 11:13 a.m., before Leah K. Osteen Dow, CSR  
21 in and for the State of Texas, reported remotely by  
22 machine shorthand, with the witness being located in  
23 Houston, Texas, taken pursuant to the Federal Rules of  
24 Civil Procedure and any provisions, stipulations, or  
25 agreements stated on the record by counsel.

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## P R O C E E D I N G S

THE REPORTER: Going on the record at 8:29 a.m., April 27, 2022, for the deposition of Michelle Lamb, being conducted remotely in the matter of Jennifer Harris vs. FedEx Corporate Services, Inc.

My name is Leah Osteen, Texas CSR 3916, reporting remotely from Hurst, Texas. The witness is located in Houston, Texas.

Would counsel state their appearances and any agreements for the record.

MS. SANFORD: BB Sanford for the Plaintiff, Jennifer Harris. And Brian Sanford may be joining later, too, but he's not here now.

MR. BABCOCK: Good morning. Barak Babcock  
for FedEx.

And, Counsel, we've had email traffic, but just to reiterate what we wrote in our March 6, 2022, email, we believe that Zoom deposition recordings recorded in the Zoom app are objectionable to be submitted to the Court or a jury. So we'll just put that objection on the record.

THE REPORTER: Ms. Lamb, if you'll raise your right hand, I'll swear you in.

(Witness placed under oath.)

MICHELLE LAMB,

1 having been first duly sworn, testified as follows:

2 EXAMINATION

08:30 3 BY MS. SANFORD:

08:30 4 Q. All right. Good morning, Ms. Lamb. My name is  
08:30 5 BB Sanford. I'll be the one asking you most of the  
08:30 6 questions today.

08:30 7 A. Okay.

08:30 8 Q. Have you ever had your deposition taken before?

08:30 9 A. No, I have not.

08:30 10 Q. Okay. I assume your attorney probably told you  
08:30 11 how this is going to go. But he may make certain  
08:30 12 objections throughout the course of the deposition. You  
08:30 13 may still continue to answer even if he objects unless  
08:30 14 he instructs you not so.

08:30 15 Do you understand that?

08:30 16 A. Yes, I do. Thank you.

08:30 17 Q. And where are you located today?

08:30 18 A. I'm located in Houston, Texas.

08:30 19 Q. Are you at your office? Are you at your  
08:30 20 attorney's office?

08:30 21 A. I am in a FedEx office, not my FedEx office.

08:31 22 Q. Where is your FedEx office located?

08:31 23 A. I work out of my home presently.

08:31 24 Q. And when you don't, do you have an office? Do  
08:31 25 you have a spot that you go to at a building that's not

10:25 1 Q. Okay. The district sales managers that you  
2 approved and allowed FedEx to expense those costs,  
3 who were -- who were those people?

10:25 4 MR. BABCOCK: Object to the form.

10:25 5 A. I recall Rebecca Callahan, Brian Conrey, and  
6 possibly Casey Millner.

10:26 7 Q. And -- sorry. What?

10:26 8 A. They carpooled to Dallas, there and back, same  
9 day, without the need for airline expense nor hotel  
10 expense.

10:26 11 Q. So the three individuals that FedEx could  
12 budget that you approved to go to the Dallas Pathways  
13 Program, they were all white, true?

10:26 14 A. True.

10:26 15 Q. I don't want to take up too much more of your  
16 time.

10:26 17 Could you explain to me what the  
18 Coach2Grow2.0 Program was?

10:26 19 A. Coach2Grow2.0 is a -- was a rollout of coaching  
20 expectations for our managers, which would allow them  
21 the ability to customize their coaching approach based  
22 on the needs of the individual that they are coaching.

10:27 23 Q. And it's fair to say you weren't pleased with  
24 how Harris -- Ms. Harris was rolling out her -- the  
25 Coach2Grow2.0 Program with her team; is that -- is that

1 accurate?

10:27 2 A. That's accurate.

10:27 3 Q. Describe what Ms. Harris was doing wrong, in  
4 your opinion.

10:27 5 MR. BABCOCK: Object to the form.

10:27 6 A. My -- I spent three and a half hours with  
7 Ms. Harris reviewing expectations for her rollout of  
8 Coach2Grow2.0 with her team. At that meeting, she took  
9 no notes and had no questions.

10:28 10 I later followed up with her to establish  
11 how those conversations went, and she said to me that  
12 she had abbreviated the rollout and had only discussed a  
13 couple of the slides with her team, which was not  
14 following the direction that I had given her.

10:28 15 Q. And so you confronted Ms. Harris about these  
16 issues?

10:28 17 MR. BABCOCK: Object to the form.

10:28 18 A. Yes.

10:28 19 Q. How did you do so? How did you do that?

10:28 20 A. I started by asking her questions. I asked her  
21 for the results of her Coach2Grow rollout and quickly  
22 identified that there are these gaps. I explained to  
23 her that I was very disappointed and I needed her to  
24 make sure that she understood the material and was  
25 capable of rolling out to her team as instructed and as

1 her peers were doing.

10:29 2 Q. What was Ms. Harris's response?

10:29 3 A. She said she would consult with her peers to  
4 learn how to roll out the material.

10:29 5 And I said, No. We are going to have  
6 another conversation. I'm your manager. I need to  
7 teach you this material. Your peers are also learning  
8 it for the first time themselves.

10:30 9 And so I went through it with her yet  
10 again.

10:30 11 Q. And what happened after that?

10:30 12 A. After that, she proceeded to roll out the  
13 material to her team. And I asked her for confirmation  
14 that it was done with each individual, and she provided  
15 that for me.

10:30 16 Q. And it met your satisfaction? You coached her,  
17 and she did it right?

10:30 18 MR. BABCOCK: Object to the form.

10:30 19 A. Yes.

10:30 20 Q. All right. Explain -- would you explain to me  
21 your process -- let me start over.

10:31 22 It was your decision to terminate  
23 Ms. Harris in January 2020, true?

10:31 24 A. True.

10:31 25 Q. When did you make that decision?

10:31 1 A. I made that decision after the unsuccessful  
2 completion of her second performance improvement plan.

10:31 3 Q. So if I'm remembering right, she had two -- you  
4 gave Ms. Harris two letters of counseling and two  
5 performance improvement plans?

10:31 6 MR. BABCOCK: Object to the form.

10:31 7 A. There was a letter of counseling, a letter of  
8 warning, and two performance improvement plans.

10:31 9 Q. And what expectation -- or what did she not  
10 meet in the second performance improvement plan that led  
11 to her termination for you?

10:32 12 A. There were five objectives outlined within that  
13 performance improvement plan. Three of the five  
14 objectives were not met. The details of that  
15 performance improvement plan are not in front of me at  
16 the moment, but I know that those documents have been  
17 provided.

10:32 18 Q. The -- you created a request for termination  
19 form; is that true?

10:32 20 A. That's true.

10:32 21 Q. And in that -- okay. So it looks to me that  
22 when you gave Ms. Harris the letter of counseling, the  
23 first performance improvement plan came with it, that it  
24 was like a bundle.

10:32 25 Is that right?

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\* \* \* \* \*

REPORTER'S CERTIFICATION  
ORAL AND VIDEOTAPED DEPOSITION OF  
MICHELLE LAMB  
APRIL 27, 2022

12 I, LEAH K. OSTEEN DOW, Certified Shorthand  
13 Reporter in and for the State of Texas, hereby certify  
14 to the following:

15 That the witness, MICHELLE LAMB, was duly  
16 sworn by me and that the transcript of the oral  
17 deposition is a true record of the testimony given by  
18 the witness;

19 I further certify that pursuant to FRCP Rule  
20 30(f)(1) that the signature of the deponent:

21               XX was requested by the deponent or a party  
22 before the completion of the deposition and is to be  
23 returned within 30 days from date of receipt of the  
24 transcript. If returned, the attached Errata contain  
25 any changes and the reasons therefor;

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1                \_\_\_\_ was not requested by the deponent or a  
2 party before the completion of the deposition.

3                I further certify that I am neither counsel  
4 for, related to, nor employed by any of the parties or  
5 attorneys to the action in which this proceeding was  
6 taken. Further, I am not a relative or employee of any  
7 attorney of record in this cause, nor am I financially  
8 or otherwise interested in the outcome of the action.

9                Subscribed and sworn to on this the 19th day  
10 of May, 2022.

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*Leah K. Osteen*

LEAH K. OSTEEN DOW, Texas CSR #392  
Certification expires: 4/30/2023  
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